

EXHIBIT 1

**Redacted Pursuant to
February 27, 2019 Order**

1
2 UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

3 Case No. 1:13-cv-07789-LGS

4 - - - - - - - - - - - - - - - - -x

5 IN RE FOREIGN EXCHANGE BENCHMARK :

6 RATES ANTITRUST LITIGATION :

7 - - - - - - - - - - - - - - - - -x

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9
10 80 Pine Street
New York, New York
11 September 27, 2018
9:32 a.m.

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14
15 ***CONFIDENTIAL***

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20 VIDEOTAPED DEPOSITION OF ROBIN
21 POYNTER, held at the above-mentioned time and
22 place, before Randi Friedman, a Registered
23 Professional Reporter, within and for the State
24 of New York.
25

<p style="text-align: right;">Page 26</p> <p>1 R. Poynder - Confidential</p> <p>2 would have what it would decide is the HSBC</p> <p>3 version of the core market price from which</p> <p>4 everything else was based. So the core market</p> <p>5 price would have a feed from EBS and Reuters</p> <p>6 Matching. So, yeah, those would be the two main</p> <p>7 feeds.</p> <p>8 And then as the E-commerce world</p> <p>9 developed, additional feeds came into play, such</p> <p>10 as Currenex and Hotspot, a number of different</p> <p>11 feeds. And that core price would be originally</p> <p>12 driven from those marketplaces and then adjusted</p> <p>13 by the traders.</p> <p>14 For instance, if the traders were long</p> <p>15 of currency they could adjust that price up or</p> <p>16 down to affect their inventory. From that core</p> <p>17 price the system managed the various different</p> <p>18 client categories so they would receive the price</p> <p>19 that was designed for them.</p> <p>20 Q Through that system were there</p> <p>21 situations in which different clients would</p> <p>22 receive different prices?</p> <p>23 A We had price discrimination for</p> <p>24 different clients.</p> <p>25 Q How did that work, generally?</p>	<p style="text-align: right;">Page 28</p> <p>1 R. Poynder - Confidential</p> <p>2 of which clients received which spreads, so</p> <p>3 that they receive that on an automatic</p> <p>4 basis. Although -- there's an algorithm</p> <p>5 managing it, but there's the human oversight</p> <p>6 as well, if that answers your question.</p> <p>7 BY MR. WASHER:</p> <p>8 Q Yes.</p> <p>9 A The traders -- they had the price on</p> <p>10 their desk all the time. They had the ability to</p> <p>11 move the core price. Not individually with their</p> <p>12 client, but the core price as necessary.</p> <p>13 Q So in that instance that you're</p> <p>14 describing, the algorithm would generate prices,</p> <p>15 but then the trader had human oversight and could</p> <p>16 exercise discretion to adjust the price that the</p> <p>17 algorithm was showing if the trader thought it</p> <p>18 appropriate; is that fair?</p> <p>19 A That is correct.</p> <p>20 Q And then you had indicated that at</p> <p>21 Reuters, you were also involved in the</p> <p>22 development of an E-commerce platform there that</p> <p>23 clients would use. I think you mentioned</p> <p>24 something about 128 bank customers. Can you just</p> <p>25 describe that platform for us?</p>
<p style="text-align: right;">Page 27</p> <p>1 R. Poynder - Confidential</p> <p>2 A As I just described. There was a core</p> <p>3 price and different categories of client received</p> <p>4 different pricing spreads.</p> <p>5 Q So that's the price discrimination?</p> <p>6 A Right.</p> <p>7 Q Can you give us a better sense of the</p> <p>8 factors that would go into deciding how to</p> <p>9 discriminate between customers? What other</p> <p>10 factors would one consider at the time in that</p> <p>11 system when deciding what price to charge this</p> <p>12 client versus another client or another type of</p> <p>13 client?</p> <p>14 A So I don't recall all of the factors</p> <p>15 that will go into that, but for instance, there</p> <p>16 might be creditworthiness of the client would be</p> <p>17 a factor. Volatility of the market at the time</p> <p>18 would affect the price.</p> <p>19 Q Okay. My understanding is that these</p> <p>20 pricing streams are driven by algorithms; is that</p> <p>21 right?</p> <p>22 MR. KLENOV: Object to form.</p> <p>23 THE WITNESS: So the -- as I</p> <p>24 described, the core price comes from the</p> <p>25 market. There are a set of rules in terms</p>	<p style="text-align: right;">Page 29</p> <p>1 R. Poynder - Confidential</p> <p>2 A Yeah. It sounds remarkably similar to</p> <p>3 the platform I just described that HSBC</p> <p>4 developed. Essentially, it was rented software</p> <p>5 that the client bank would rent from Reuters,</p> <p>6 then Thomson Reuters. It allowed a bank to white</p> <p>7 label that product with their own marketing</p> <p>8 colors and icons, whatever. The essential</p> <p>9 pricing mechanism was similar, so it allowed the</p> <p>10 bank to dictate from where it was sourced</p> <p>11 pricing.</p> <p>12 To my knowledge, everyone had EBS and</p> <p>13 Reuters, and then a selection of other sources as</p> <p>14 they deemed fit. And they could also take feeds</p> <p>15 from other banks, so for instance, in the case of</p> <p>16 a regional bank, where perhaps they had a</p> <p>17 specialty in that currency. So if we imagine a</p> <p>18 Scandinavian bank, they might choose to make all</p> <p>19 their prices as principal for Scandinavian</p> <p>20 currencies, but, for instance, take a feed from</p> <p>21 Deutsche Bank or Credit Suisse or whomever for</p> <p>22 eurodollar. So that would be one of their</p> <p>23 inputs. And -- but again, they would decide what</p> <p>24 their core price looked like and then assign</p> <p>25 categories to their various clients to dictate</p>

8 (Pages 26 - 29)

<p style="text-align: right;">Page 30</p> <p>1 R. Poynder - Confidential</p> <p>2 which actual spreads -- which price that client</p> <p>3 would ultimately receive.</p> <p>4 Q And so the banks that used that</p> <p>5 platform as you described it, were they -- they</p> <p>6 were making prices. Would they earn the spread</p> <p>7 to the extent that they traded through that</p> <p>8 platform?</p> <p>9 In other words, would they be, you</p> <p>10 know, selling at a higher price and buying at a</p> <p>11 lower price, they would be making a two-way price</p> <p>12 on that system?</p> <p>13 MR. KLENOV: Object to form.</p> <p>14 THE WITNESS: When you say "the</p> <p>15 banks," which ones?</p> <p>16 BY MR. WASHER:</p> <p>17 Q You had mentioned these 128 banks that</p> <p>18 used that platform. So each of those banks. I</p> <p>19 gather they effectively made prices through that</p> <p>20 system; right?</p> <p>21 A That's correct.</p> <p>22 Q And the prices that they offered</p> <p>23 through that system, was there a spread built</p> <p>24 into those prices?</p> <p>25 A So the system managed the core price</p>	<p style="text-align: right;">Page 32</p> <p>1 R. Poynder - Confidential</p> <p>2 that was the Thomson Reuters system, is that</p> <p>3 system still in place today?</p> <p>4 A There's a variant of that system.</p> <p>5 It's developed over the years, as you might</p> <p>6 imagine, but it's -- essentially the same system</p> <p>7 is there.</p> <p>8 Q Again, is it a system that -- do you</p> <p>9 know how many banks offer prices on the system</p> <p>10 that exists today?</p> <p>11 A I have no idea. I don't work there</p> <p>12 anymore.</p> <p>13 Q Do you have a sense of it? One</p> <p>14 hundred, 1,000?</p> <p>15 A I just don't know the number.</p> <p>16 Q Yeah. And at the time you were at</p> <p>17 Thomson Reuters, again, could you just describe</p> <p>18 what types of banks made prices available on this</p> <p>19 system?</p> <p>20 A The -- there were a -- quite a wide</p> <p>21 number of banks. The banks that tended to get</p> <p>22 more volume would be the larger banks, who were</p> <p>23 more aggressively marketing themselves, I guess,</p> <p>24 to other banks as clients.</p> <p>25 Q Any other types of institutions use</p>
<p style="text-align: right;">Page 31</p> <p>1 R. Poynder - Confidential</p> <p>2 and the spread, as I described, and their</p> <p>3 price -- sorry, their clients would trade on that</p> <p>4 price or not. And the resulting trade would then</p> <p>5 be taken into their book.</p> <p>6 Q I understand. So I'm just trying</p> <p>7 to -- is it true that a bank, a typical bank</p> <p>8 using that system, when they make prices and set</p> <p>9 the spreads based on their own factors, would</p> <p>10 they typically earn a spread? In other words,</p> <p>11 would the price at which they are offering to</p> <p>12 sell on that system typically be higher than the</p> <p>13 price that they're willing to buy on that system?</p> <p>14 A There was a spread between the bid and</p> <p>15 the offer, if that's what you mean, absolutely.</p> <p>16 Q Yeah.</p> <p>17 A Some clients would indicate what they</p> <p>18 wanted to do before trading, so they would</p> <p>19 already say, "I want to buy," in which case the</p> <p>20 bank would only show the offer. But oftentimes</p> <p>21 the client would simply ask for a two-way price</p> <p>22 without indicating whether they want to buy or</p> <p>23 sell ahead of time. And the bank would show the</p> <p>24 bid and the offer.</p> <p>25 Q This system that we're talking about</p>	<p style="text-align: right;">Page 33</p> <p>1 R. Poynder - Confidential</p> <p>2 the system to make prices?</p> <p>3 A I think it was all banks, yeah.</p> <p>4 Q Okay. I gather that during your time</p> <p>5 as an FX trader and a supervisor of FX traders,</p> <p>6 you and your team were acting as liquidity</p> <p>7 providers; is that fair?</p> <p>8 A Sorry. Which time are we talking</p> <p>9 about now?</p> <p>10 Q Sorry. While you were at Charterhouse</p> <p>11 and CCF and HSBC, is it fair to say that you and</p> <p>12 the team were liquidity providers during that</p> <p>13 period of time, at least with respect to certain</p> <p>14 transactions?</p> <p>15 A Yes, we were liquidity providers.</p> <p>16 Q So you all were earning the spread</p> <p>17 that you had effectively building into your</p> <p>18 prices?</p> <p>19 A Hopefully.</p> <p>20 Q Was it a profitable business at the</p> <p>21 time?</p> <p>22 A It was profitable, yeah.</p> <p>23 Q Okay. All right. During the class</p> <p>24 period -- do you recall what the class period is</p> <p>25 in this litigation?</p>

<p style="text-align: right;">Page 54</p> <p>1 R. Poynder - Confidential</p> <p>2 [REDACTED]</p> <p>3 [REDACTED]</p> <p>4 [REDACTED]</p> <p>5 [REDACTED]</p> <p>6 [REDACTED]</p> <p>7 [REDACTED]</p> <p>8 [REDACTED]</p> <p>9 [REDACTED]</p> <p>10 [REDACTED]</p> <p>11 [REDACTED]</p> <p>12 [REDACTED]</p> <p>13 [REDACTED]</p> <p>14 [REDACTED]</p> <p>15 [REDACTED]</p> <p>16 [REDACTED]</p> <p>17 [REDACTED]</p> <p>18 [REDACTED]</p> <p>19 [REDACTED]</p> <p>20 [REDACTED]</p> <p>21 [REDACTED]</p> <p>22 [REDACTED]</p> <p>23 [REDACTED]</p> <p>24 [REDACTED]</p> <p>25 [REDACTED]</p>	<p style="text-align: right;">Page 56</p> <p>1 R. Poynder - Confidential</p> <p>2 trader when confronted with asymmetry of</p> <p>3 information?</p> <p>4 MR. KLENOV: Object to form.</p> <p>5 THE WITNESS: Well, I can't</p> <p>6 speculate how another trader will handle</p> <p>7 their pricing in the market. Depends on the</p> <p>8 market and the situation and many things.</p> <p>9 BY MR. WASHER:</p> <p>10 Q So they may or may not widen spreads,</p> <p>11 depending upon other factors?</p> <p>12 MR. KLENOV: Object to form.</p> <p>13 THE WITNESS: I can't speculate</p> <p>14 what they would do. I mean -- right.</p> <p>15 BY MR. WASHER:</p> <p>16 Q Have you -- in instances where you</p> <p>17 have observed asymmetry of information, have you</p> <p>18 observed those who have superior information</p> <p>19 agreeing to charge one another wider spreads?</p> <p>20 MR. KLENOV: Object to form.</p> <p>21 THE WITNESS: There are a number</p> <p>22 of elements in your question there, and I'm</p> <p>23 not sure I observed the first piece to even</p> <p>24 look at the second piece of your question.</p> <p>25 Rephrase it, but I think that's right.</p>
<p style="text-align: right;">Page 55</p> <p>1 R. Poynder - Confidential</p> <p>2 [REDACTED]</p> <p>3 BY MR. WASHER:</p> <p>4 Q Going back to the asymmetry of</p> <p>5 information we were talking about before, what</p> <p>6 would be your expectation of a trader's response</p> <p>7 when confronted with asymmetry of information?</p> <p>8 You had said when you were faced with that</p> <p>9 situation you would avoid that counterparty, I</p> <p>10 think, correct me if I'm wrong. But do you have</p> <p>11 a sense of what typically a trader would do if</p> <p>12 they're faced with a situation where they believe</p> <p>13 there is asymmetry?</p> <p>14 A To answer, I didn't say I would avoid</p> <p>15 it. I said I would try to manage the situation.</p> <p>16 I can't remember my exact words, but it might</p> <p>17 involve avoidance, it might involve managing the</p> <p>18 price differently. If I was confronted back</p> <p>19 then.</p> <p>20 Q Got it. Just so I understand, if you</p> <p>21 were to manage the price differently, what does</p> <p>22 that mean? What would you do?</p> <p>23 A Broaden the spread.</p> <p>24 Q Okay. So sort of back to my question,</p> <p>25 so what would your expectation be of a typical</p>	<p style="text-align: right;">Page 57</p> <p>1 R. Poynder - Confidential</p> <p>2 MR. WASHER: Why don't we go ahead</p> <p>3 and mark as Poynder Exhibit 3 a copy of the</p> <p>4 expert report of Mr. Bjornes Ljungqvist.</p> <p>5 (Poynder Exhibit 3 was marked.)</p> <p>6 BY MR. WASHER:</p> <p>7 Q Mr. Poynder, have you reviewed this</p> <p>8 report?</p> <p>9 A I've seen it before. I've read it.</p> <p>10 Q Okay. One of the statements in this</p> <p>11 report is that in the context of adverse</p> <p>12 selection, the defendants would widen the spreads</p> <p>13 that they charge in the interdealer market.</p> <p>14 Is that consistent with your</p> <p>15 experience and expectations?</p> <p>16 MR. KLENOV: Object to form.</p> <p>17 THE WITNESS: I don't really have</p> <p>18 any expectations about adverse selection.</p> <p>19 BY MR. WASHER:</p> <p>20 Q Based on your experience in the</p> <p>21 marketplace, studying these markets, does --</p> <p>22 would you expect that in a situation that is</p> <p>23 being alleged here, where the defendant dealers</p> <p>24 have superior information to non-defendants,</p> <p>25 would you, in fact, expect the dealers, the</p>

15 (Pages 54 - 57)

<p style="text-align: right;">Page 70</p> <p>1 R. Poynder - Confidential</p> <p>2 Thank you.</p> <p>3 THE WITNESS: I have not studied</p> <p>4 the area of last look to the detailed level</p> <p>5 to be able to give you an answer for that on</p> <p>6 any level.</p> <p>7 BY MR. WASHER:</p> <p>8 Q Okay. So I guess I'll ask the</p> <p>9 question until I get an answer.</p> <p>10 Have you ever -- sitting here today,</p> <p>11 are you aware of any situation in which any</p> <p>12 liquidity provider employed a last look window of</p> <p>13 less than a second?</p> <p>14 A That sounds like the same question you</p> <p>15 asked. I've answered that.</p> <p>16 Q I'm going to keep asking it until you</p> <p>17 answer it.</p> <p>18 Have you -- sitting here today, can</p> <p>19 you recall any instance in which a liquidity</p> <p>20 provider employed a last look window of less than</p> <p>21 a second?</p> <p>22 A So I don't recall that because I've</p> <p>23 not studied it to be able to recall it.</p> <p>24 Q Okay. Sitting here today, you don't</p> <p>25 recall any instance of that?</p>	<p style="text-align: right;">Page 72</p> <p>1 R. Poynder - Confidential</p> <p>2 general sense of how frequently prices changed in</p> <p>3 the pricing streams that were pried provided on</p> <p>4 that system?</p> <p>5 I'm not looking for a very specific</p> <p>6 answer. Millisecond, second, minutes, hours.</p> <p>7 Can you characterize generally how often prices</p> <p>8 changed on these pricing screens?</p> <p>9 A It really depended on who we were</p> <p>10 quoting and who they were and the price -- the</p> <p>11 size they were asking it.</p> <p>12 So for instance, if we were quoting a</p> <p>13 client that was based in, I don't know,</p> <p>14 Kazakhstan, I'm making that up, somewhere not</p> <p>15 geographically close to us, in a small size trade</p> <p>16 where we weren't particularly worried about the</p> <p>17 risk, then the price might be good for seven</p> <p>18 seconds.</p> <p>19 Q Okay.</p> <p>20 A If we were quoting a sophisticated</p> <p>21 customer through FXall, the price might change --</p> <p>22 sorry. If there was a request for quote it might</p> <p>23 be good for a couple of seconds. If it was a</p> <p>24 request for stream, then it would be changing</p> <p>25 more frequently. I actually don't know what that</p>
<p style="text-align: right;">Page 71</p> <p>1 R. Poynder - Confidential</p> <p>2 MR. KLENOV: Objection, asked and</p> <p>3 answered.</p> <p>4 THE WITNESS: I've answered your</p> <p>5 question.</p> <p>6 BY MR. WASHER:</p> <p>7 Q So you can't recall any instance of</p> <p>8 that? I'm not trying to be difficult.</p> <p>9 A You're obviously looking for some --</p> <p>10 it appears that you're looking for some</p> <p>11 particular wording that is different than the</p> <p>12 wording I've given you.</p> <p>13 I have not studied this area such that</p> <p>14 I can recall it. I don't have anything to</p> <p>15 recall.</p> <p>16 Q Well, you have testified that you</p> <p>17 worked in the area of electronic trading. I</p> <p>18 mean, did you ever -- when you were at HSBC</p> <p>19 did -- the electronic platform that you were</p> <p>20 helping to develop, did that employ a last look</p> <p>21 mechanism?</p> <p>22 A Last look wasn't a term that was used</p> <p>23 back in those days.</p> <p>24 Q Okay. Reflecting back on your time at</p> <p>25 HSBC with that electronic platform, do you have a</p>	<p style="text-align: right;">Page 73</p> <p>1 R. Poynder - Confidential</p> <p>2 frequency would be, but more frequent.</p> <p>3 Q In your experience, does price</p> <p>4 movement in one currency tend to affect prices in</p> <p>5 other currencies?</p> <p>6 A The foreign exchange market is very</p> <p>7 interrelated, so I can imagine an occasion where</p> <p>8 it's not true for every currency but in general,</p> <p>9 yes. Price movement in one currency, given a</p> <p>10 currency pair is what's normally moving, one of</p> <p>11 those currencies is traded against other</p> <p>12 currencies also. So, for instance, if we take</p> <p>13 the example of eurodollar, if euros are being</p> <p>14 sold against dollars it may be they're going to</p> <p>15 be sold elsewhere as well, against sterling or</p> <p>16 whatever.</p> <p>17 Q Understood. Just giving you an</p> <p>18 example, a random example, would, for example,</p> <p>19 you expect a change in the price of the Brazilian</p> <p>20 real to affect the price of the Russian ruble?</p> <p>21 MR. KLENOV: Object to form.</p> <p>22 THE WITNESS: That is less of an</p> <p>23 obvious correlation, but there will be</p> <p>24 times -- I wouldn't be surprised to see</p> <p>25 there would be times when they are</p>

<p style="text-align: right;">Page 78</p> <p>1 R. Poynder - Confidential</p> <p>2 prime broker, typically a large bank, and the</p> <p>3 large bank, the prime broker, allows the lesser</p> <p>4 rating client to trade in the market in their</p> <p>5 name, in the name of the prime broker bank. Now</p> <p>6 that might be that the lesser credit client</p> <p>7 trades with another bank and then after the</p> <p>8 trade, the prime broker steps into the middle,</p> <p>9 novates the trade and essentially creates two</p> <p>10 trades, one with the prime broker client and the</p> <p>11 prime broker and one with the prime broker and</p> <p>12 the counterparty with whom the lesser client</p> <p>13 traded.</p> <p>14 Given the time frame with which trades</p> <p>15 are executed on EBS or Reuters Matching, the idea</p> <p>16 of post-trade novation could be tricky in terms</p> <p>17 of time. So the way it's managed is a</p> <p>18 relationship is set up into EBS or Reuters</p> <p>19 Matching whereby a counterparty name is set up in</p> <p>20 the name of the lesser credit client in the name</p> <p>21 of the prime broker. And therefore the system</p> <p>22 recognizes the credit of the prime broker at the</p> <p>23 outset, and therefore the lesser credit client is</p> <p>24 able to trade alongside the banks.</p> <p>25 Now the lesser credit client we are</p>	<p style="text-align: right;">Page 80</p> <p>1 R. Poynder - Confidential</p> <p>2 just so I understand who's trading where?</p> <p>3 Q Sure. So we have a lesser client who</p> <p>4 is using their prime brokerage relationship with</p> <p>5 Barclays to trade through Barclays on EBS.</p> <p>6 A Right.</p> <p>7 Q And Barclays, on behalf of that lesser</p> <p>8 client, executes a trade with EB -- sorry, UBS.</p> <p>9 Should have picked a different bank.</p> <p>10 So when we look at the trading data,</p> <p>11 that EBS trading data, will we see a trade</p> <p>12 between Barclays and UBS or will we see a trade</p> <p>13 between the lesser client and UBS?</p> <p>14 [REDACTED]</p>
<p style="text-align: right;">Page 79</p> <p>1 R. Poynder - Confidential</p> <p>2 talking about is often small banks, particularly</p> <p>3 following the crisis in 2008-2009, when credit</p> <p>4 was an issue and balance sheets suddenly was an</p> <p>5 issue as well -- well, more of an issue than it</p> <p>6 was before. Lesser credit banks or banks who had</p> <p>7 suffered credit rating losses would use prime</p> <p>8 broker mechanism to be able to trade more</p> <p>9 actively in the markets than they otherwise would</p> <p>10 have been able to do.</p> <p>11 Q Understood. I don't mean to get into</p> <p>12 data issues because I know you're going to talk</p> <p>13 about that next week, so I just want to</p> <p>14 understand this process, this prime brokerage</p> <p>15 process you just described.</p> <p>16 So in a situation where a lesser</p> <p>17 client is trading through a prime broker,</p> <p>18 Barclays, for example, in the trading data that</p> <p>19 we have and you have as part of this case, let's</p> <p>20 say, you know, lesser client trades through</p> <p>21 Barclays, its prime broker and Barclays trades on</p> <p>22 EBS with UBS. Would we in the trading data see a</p> <p>23 trade between Barclays and UBS or would we see</p> <p>24 something else?</p> <p>25 A Could you rephrase that exactly again,</p>	<p style="text-align: right;">Page 81</p> <p>1 R. Poynder - Confidential</p> <p>2 [REDACTED]</p> <p>7 Q Got it. Let's talk about price</p> <p>8 matrices for a second.</p> <p>9 Are you familiar with price matrices?</p> <p>10 A So to some degree I think I talk about</p> <p>11 it in my report. And in that context and what</p> <p>12 I've observed in the chats, I'm familiar with</p> <p>13 that.</p> <p>14 Q Can you just describe price matrices</p> <p>15 generally, what they are and why they exist?</p> <p>16 A I guess there are a number of</p> <p>17 different reasons they might exist. Perhaps you</p> <p>18 could just narrow that down a little bit for me.</p> <p>19 Q Let's start with what they are. What</p> <p>20 do price matrices show?</p> <p>21 A So in the context of my observations</p> <p>22 in the chats, price matrices are a function where</p> <p>23 the bank is setting down a set of spreads that</p> <p>24 they would then use to price client or clients in</p> <p>25 a range of sizes and currency pairs.</p>

21 (Pages 78 - 81)